

Appln. No.: 09/819,509
Amendment dated March 28, 2006
Reply to Office Action of December 28, 2005

PATENT

Remarks/Arguments:

Claims 1-22 are pending and stand rejected

By this response, Applicants traverse the rejection of all claims and request reconsideration. Applicants note that the priority data on the front face of the U.S. Patent Publication No. 2004/0230807 (hereafter referred to as the '807 patent publication), which corresponds to Patent Application No. 10/802,073 (hereafter referred to as the '073 patent application), is incorrect. The parent application to the '073 patent application is correctly **09/782,342** and is not **08/782,342** as stated on the front face of the '807 patent publication. Moreover, the priority date of the **09/782,342** application is February 12, 2001. Applicants have enclosed a copy of the first pages of U.S. Patent No. 6,732,278 (i.e., the '278 patent that matured from the **09/782,342** application) and U.S. Patent No. 6,086,369 (i.e., the patent that matured from the **08/782,342** application) with the relevant information highlighted.

Rejection under 35 U.S.C. §102(e)

In the Action at page 3, item 6, claims 1-13 and 15-20 are rejected under 35 U.S.C. §102(e) as being anticipated by Baird, III et al. (U.S. Patent Publication 2004/0230807 corresponding to a continuation of U.S. Patent No. 6,732, 278) (hereafter referred to as Baird)

Applicants traverse this rejection and request reconsideration.

Although the filing of the 09/782,342 application predates the filing date of this U.S. Patent Application No. 09/819,509. The filing date (i.e., February 12, 2001) of Baird is after the filing date (i.e., December 14, 2000) of the U.S. Provisional Application No. 60/255,640 from which U.S. Application No. 09/819,509 claims priority. Moreover, the description of the subject matter of claims 1-2, 6-10, 12-13 and 16-17 is supported by the U.S. Provisional Application No. 60/255,640 (copy enclosed) to satisfy the requirements of 35 U.S.C. § 112, first paragraph. Thus, pursuant to MPEP §§ 706.02(b) and 2136.05, claims 1-2, 6-10, 12-13 and 16-17 are not subject to rejection under 35 U.S.C. § 102(e) in view of Baird, because Baird is not a valid prior art reference with regard to at least these claims.

Independent Claim 1

Support for the recitations in claim 1 can be found in the original U.S. provisional application 60/255,640. More particularly, the recitations in claim 1 of:

(1) "obtaining biometric data from a user" is supported by at least the disclosure at page 5, first full paragraph, for example which discloses that "the user has previously trained the server to recognize the

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biometric password ..., this password is biometric data ... as identifying the user... For example, a user may provide N right thumb prints, or signatures ...;"

(2) "generating a one-time password for the user" is supported by at least the disclosure at page 3, third full paragraph, for example which discloses that "the remote server 102 sends the value n with a request for the user's computer 100 to calculate the value $\text{hash}^{n-1}(\text{password})$ [i.e., the one-time password]. The user's computer 100 calculates this value and sends it back to the remote server 102;" and

(3) "combining the biometric data and the one-time password to form the strong password" is supported by at least the disclosure at page 5, second full paragraph, for example, which discloses that "[t]he strong password may be generated, for example, by concatenating the biometric password with the OTP [one time password]" (brackets added).

Thus, with regard to item 1, biometric data, such as thumb prints, is obtained by, for example, the server, with regard to item 2, the user's computer 100, for example, calculates and sends (i.e., generates) the value $\text{hash}^{n-1}(\text{password})$ (i.e., the one-time password), and with regard to item 3, the strong password may be combined from the biometric data and the one-time password, for example, by concatenating the biometric password with the one time password.

Independent Claim 6

Support for the recitations in claim 6 can be found in the original U.S. provisional application 60/255,640. More particularly, the recitation in claim 6 of:

at least one first computer securely coupled to the remote computer system; at least one second computer coupled to said at least one first computer and configured to obtain identifying information from a user; whereby the second computer passes the identifying information to the first computer, the first computer passes the identifying information to the remote computer system and the remote computer system verifies the identifying information

is supported by at least the disclosure at page 4, first full paragraph and Figure 2, for example, which discloses a first dedicated computer 202 and a second computer 204 each outside the firewall, a remote computer 100 outside the firewall that communicates with the first dedicated computer 202, and a server 102 inside the firewall 206. That is, for example:

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(1) the server and local area network (LAN) shown in Figure 2 of the U.S. provisional application 60/255,640 is exemplary of at least the remote computer system recited in claim 6;

(2) the first dedicated computer 202 that uses Secure Socket Layer (SSL) connections, as disclosed in the U.S. provisional application 60/255,640, is exemplary of the second computer recited in claim 6; and

(3) the second computer 204 through which the first dedicated computer 202 communicates with the internal server 102 to authenticate a users access privileges (i.e., verifies the identifying information of a user), as disclosed in the U.S. provisional application 60/255,640, is exemplary of at least the one second computer recited in claim 6. (See also U.S. provisional application at the paragraph spanning pages 5 and 6.)

Independent claims 12 and 16

Independent claims 16 and 12 which include recitations similar to those of claims 1 and 6, respectively, are also supported by the same portions of the disclosure in the U.S. provisional application 60/255,640 as those of claims 1 and 6.

Accordingly, it is submitted that independent claims 1, 6, 12 and 16 are allowable, since the cited art of Baird is not a valid prior reference against these claims under 35 U.S.C. §102(e)

Dependent Claims 2 and 17

Support for the recitations of claims 2 and 17 can be found in the U.S. provisional application, for example, at page 5, lines 21-25 and page 6, lines 23-28.

Dependent Claim 7

Support for the recitation of claim 7 can be found in the U.S. provisional application, for example, at page 6, lines 16-22.

Dependent Claim 8

Support for the recitation of claim 8 can be found in the U.S. provisional application, for example, at page 6, lines 23-28.

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Dependent Claims 9-10

Support for the recitations of claims 9-10 can be found in the U.S. provisional application, for example, at page 4, lines 10-22 and page 6, lines 13-15.

Dependent Claims 13

Support for the recitation of claim 13 can be found in the U.S. provisional application, for example, at page 6, line 10 to page 7, line 26 and, in particular, page 7, lines 10-26.

Claims 3-5, 11, 15 and 18-20

Independent claims 3 and 18, as well as dependent claim 15, each include the feature of a "one-time password," which is not disclosed or suggested by Baird. The Examiner is requested to review the original specification at, for example, paragraphs [0008]-[0010] with regard to the meaning of the term "one-time password."

Baird discloses frequently modifying passwords and, more particularly, "for maximum security, the preferences database 408 can be configured for optimum password security by requiring an account password to be changed at each log in." (See Baird at column 8, lines 17-21.) However, the requirement of Baird to change the account password is different from a one-time password as the term is used in the subject application.

Accordingly, claims 3 and 18 as well as dependent claims 4-5, 15 and 19-20 which either include the "one-time password" feature or depend from a claim which includes this feature are not subject to the rejection under 35 U.S.C. § 102(e) in view of Baird, and are submitted to be allowable.

Claim 11 which depends from claim 7, also is submitted to be allowable in view of Baird as claim 7 includes the one-time password feature.

Rejection under 35 U.S.C. §103(a)

In the Action at page 7, item 8, claims 14 and 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baird in view of Epstein (Patent Publication No. 2002/0124176)

Applicants traverse this rejection and request reconsideration.

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As previously stated Baird is not a valid prior art reference with regard to the subject matter of claim 1 for the reasons set forth above.

Moreover, the description of the subject matter of claims 21 and 22, which depend from claim 1, are supported by the U.S. Provisional Application No. 60/255,640 to satisfy the requirements of 35 U.S.C. § 112, first paragraph. Thus, pursuant to MPEP §§ 706.02(b) and 2136.05, claims 21 and 22 are also not subject to rejection under 35 U.S.C. § 103(a) in view of the combination of Baird and Epstein because Baird is not a valid prior art reference under 35 U.S.C. § 102(e) with regard to at least these claims 21 and 22.

Dependent Claims 21

Support for the recitation of claim 21 can be found in the U.S. provisional application, for example, at page 5, lines 20-25.

Dependent Claims 22

Support for the recitation of claim 22 can be found in the U.S. provisional application, for example, at page 5, lines 20-25.

Accordingly, it is submitted that dependent claims 21-22 are allowable, because the cited art of Baird is not a valid prior reference.

Claim 14

Claim 14 includes the recitation of "encrypting the data with a symmetric encryption key. . . and encrypting the combined encryption key and strong password with an asymmetric encryption key."

Baird Reference

Baird does not disclose or suggest encrypting data with both symmetric (secret) and asymmetric (public) encryption keys. Baird discloses, for example, at the portions cited by the Examiner, "an encryption key" but is silent regarding encryption using both symmetric and asymmetric encryption keys.

Epstein Reference

The addition of Epstein does not overcome the deficiencies of Baird because Epstein does not disclose "encrypting the data with a symmetric encryption key," "combining the encryption key with the strong password" and "encrypting the combined encryption key and strong password with an asymmetric encryption key," as required by claim 14. More particularly,

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Epstein at page 4 , paragraph [0027] discloses that a dual key pair U,V (i.e. an asymmetric key) is generated and that the private key V is encrypted using the biometric key B (i.e. a symmetric key). Further, In Epstein, the public key U, which corresponds to the encrypted private key V, is published. That is Epstein merely encrypts the private key V with the biometric key B but is silent regarding the use of a strong password that is independent of the symmetric key. That is to say, the subject invention requires both a symmetric key and a strong password and requires that the combination of the symmetric key and the strong password be encrypted using the asymmetric key. Epstein discloses only encrypting a private key with a biometric key. Epstein does not disclose either the symmetric key, the strong password or both the symmetric key and the strong password.


The cited art of Baird and Epstein taken singularly or in any proper combination, does not disclose or suggest the above-mentioned features of claim 14.

Accordingly, claim 14 is not subject to the rejection in view of the combination of Baird and Epstein, and is submitted not to be subject to rejection under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-22.

Respectfully submitted,



Kenneth N. Nigon, Reg. No., 31,549
Eric Berkowitz, Reg. No., 44,030
Attorneys for Applicant

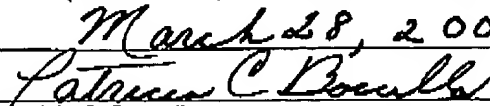
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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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March 28, 2006


Patricia C. Boccia

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